

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

IN RE: FTX CRYPTOCURRENCY
EXCHANGE COLLAPSE LITIGATION

No: 1:23-md-03076-KMM

MDL No. 3076

This Document Relates To:

GARRISON V. BANKMAN-FRIED
No. 22-cv-23753-MOORE/BECERRA

**MOTION FOR LEAVE TO EXCEED PAGE LIMITS BY DEFENDANTS
THOMAS BRADY, GISELE BÜNDCHEN, STEPHEN CURRY, LAWRENCE DAVID,
GOLDEN STATE WARRIORS, LLC, UDONIS HASLEM, WILLIAM TREVOR
LAWRENCE, SHOHEI OHTANI, KEVIN O'LEARY, SHAQUILLE O'NEAL,
DAVID ORTIZ, NAOMI OSAKA, AND SOLOMID CORPORATION, D/B/A
TEAM SOLOMID, TSM, AND/OR TSM FTX**

Defendants Thomas Brady, Gisele Bündchen, Stephen Curry, Lawrence David, Golden State Warriors, LLC, Udonis Haslem, William Trevor Lawrence, Shohei Ohtani, Kevin O'Leary, Shaquille O'Neal, David Ortiz, Naomi Osaka, and Solomid Corporation, d/b/a Team Solomid, TSM, and/or TSM FTX (collectively, "Movants") respectfully request that the Court grant this motion for leave to exceed the page limit for their joint Rule 12(b)(6) motion to dismiss (the "12(b)(6) Motion"), as set forth in the Court's Order of May 15, 2023, ECF 207, by five pages. The grounds for this motion are as follows:

1. As a preliminary matter, on June 5, 2023, the Multidistrict Litigation Panel ordered the transfer of several additional cases to this Court for coordination or consolidation. ECF 37. Those cases were transferred into the Multidistrict Litigation today, June 6, 2023. In light of these

orders, Movants are unsure as to whether the Court wishes us to proceed with the motion to dismiss briefing in *Garrison*, currently set to begin on June 12, 2023. ECF 207. Should the Court wish to proceed, Movants remain ready to file their opening brief on the ordered schedule. Movants attempted to confer with Plaintiffs to understand how they would like to proceed, but Plaintiffs' counsel refused to discuss any of the individual cases in light of the Multidistrict Litigation Panel's order.

2. In the event the current briefing schedule remains in place, Movants request a modest, five-page modification of the page limits previously ordered by the Court.

3. The Court's Order setting the briefing schedule and page limits on the 12(b)(6) Motion, ECF 207, provided that Movants could file (1) a joint 12(b)(6) Motion totaling no more than 20 pages; (2) a joint 12(b)(2) Motion, totaling no more than 20 pages, for those Movants asserting the Court lacks personal jurisdiction over them; and (3) individual briefs totaling no more than 3 pages for issues outside the main briefs—for example challenges to service, with the same pages available to Plaintiffs to respond.

4. Local Rule 7.1(c)(2) authorizes this Court to grant leave to file a Memorandum of Law in excess of the 20-page limit set forth in the Court's prior Order, ECF 207.

5. Good cause exists to grant Movants an additional five pages to address the claims in Plaintiffs' SAC.

6. Plaintiffs' SAC adds twelve new causes of action and nearly 200 additional pages of allegations. The newly-pleaded claims add two more states' laws (California and Oklahoma) to the existing Florida claims, as well as new legal theories of aiding and abetting fraud and conversion. This means in total, Movants must address sixteen causes of action—including state

securities laws, state consumer protection laws, and common law theories—under three different states' legal regimes on behalf of thirteen Movants.

7. Movants—now thirteen individuals and entities—have worked to streamline the memorandum in support of their 12(b)(6) Motion. However, in order to properly present Movants' defenses given the number of issues involved and the number of Movants participating in the Motion, Movants respectfully request five additional pages—for a total of 25 pages, in place of the 20 pages initially ordered by the Court. *See, e.g., United States v. 18 Cases*, 2006 U.S. Dist. LEXIS 110209, at *3 (N.D. Ga. Mar. 13, 2006) (granting excess pages as “necessary because the discussion includes complex issues of law”).

8. No party will be prejudiced by granting this motion. Movants also do not oppose Plaintiffs being provided an additional five pages in response.

WHEREFORE, Movants respectfully request this Honorable Court grant their Motion for Leave to Exceed Page Limits.

CERTIFICATE OF GOOD FAITH CONFERRAL

Pursuant to Local Rule 7.1(a)(3)(A), undersigned counsel certifies that on June 5, 2023, at 5:50 PM, ET, Movants' counsel emailed Plaintiffs' counsel requesting a meeting to discuss next steps and to confer about Movants' request for a modest page limit extension. Plaintiffs' counsel responded on June 5, 2023, at 5:58 PM, ET, and declined to discuss any of the individual cases in light of the MDL transfer order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 7, 2023, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system, causing a true and correct copy to be served on all counsel of record.

By: */s/ Roberto Martinez*
Roberto Martínez